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IN THE

Supreme Court of the United States

OCTOBER TERM, 1947

No. 452-454

NEW ORLEANS, TEXAS AND MEXICO RAILWAY COMPANY, Debtor,
by ANDREW W. COMSTOCK, representing himself and others,
etc.,

Petitioner,

VS.

GROUP OF INSTITUTIONAL INVESTORS, holding First and
Refunding Mortgage 5% Gold Bonds of Missouri Pacific
Railroad Company, et al.,

Respondents.

GUY A. THOMPSON, Trustee of the New Orleans, Texas and
Mexico Railway Company, by ANDREW W. COMSTOCK, rep-
resenting himself and others, etc.,

Petitioner,

VS.

GROUP OF INSTITUTIONAL INVESTORS, holding First and
Refunding Mortgage 5% Gold Bonds of Missouri Pacific
Railroad Company, et al.,

Respondents.

ANDREW W. COMSTOCK,

Petitioner,

VS.

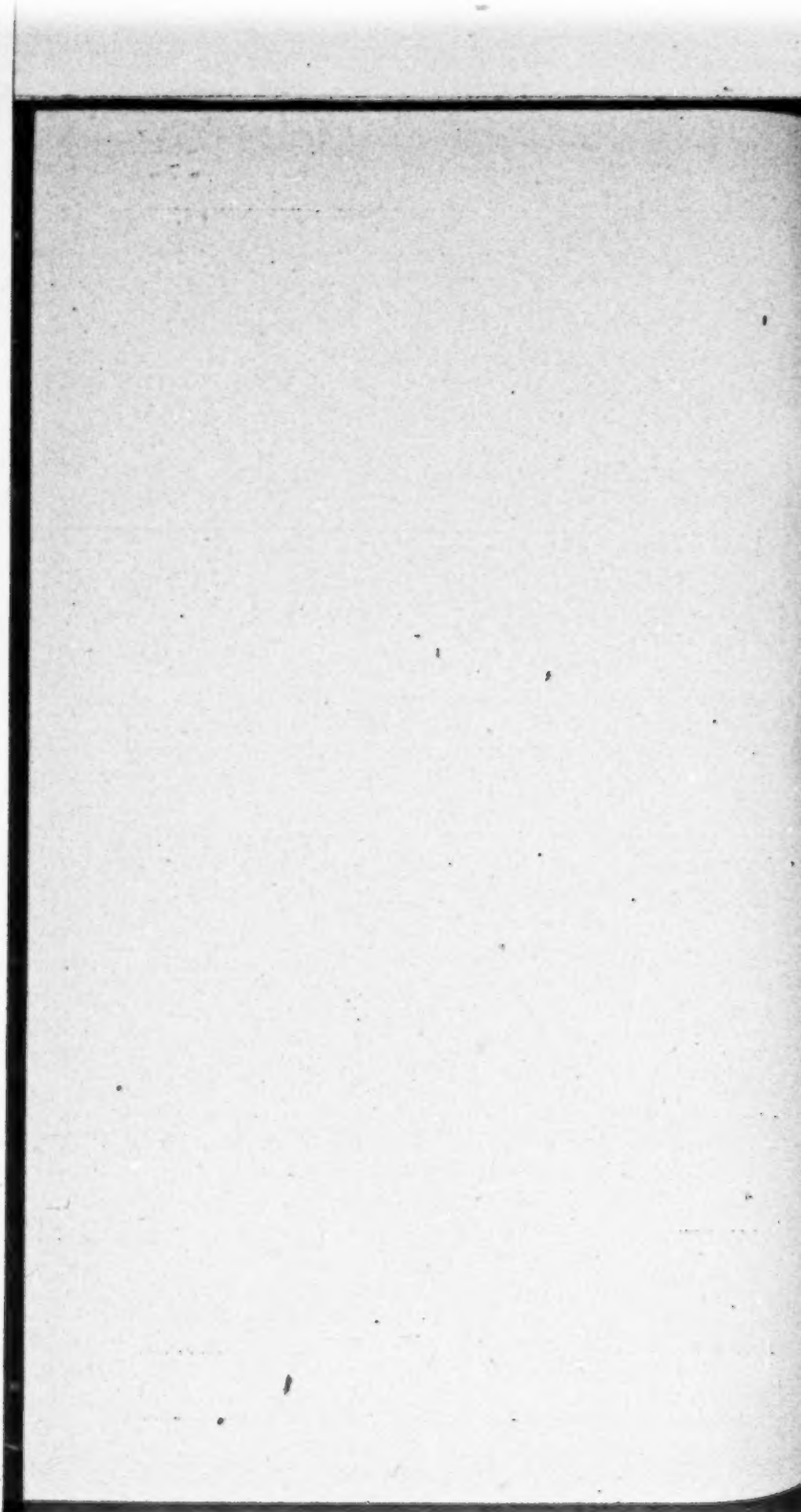
GUY A. THOMPSON, Trustee of New Orleans, Texas and
Mexico Railway Company, Debtor, et al.,

Respondents.

PETITION FOR WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT

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IN THE
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NEW ORLEANS, TEXAS AND MEXICO RAILWAY COMPANY, Debtor,
by ANDREW W. COMSTOCK, representing himself and others,
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PETITION FOR WRITS OF CERTIORARI

TO THE HONORABLE THE CHIEF JUSTICE OF THE UNITED
STATES AND THE ASSOCIATE JUSTICES OF THE SUPREME
COURT OF THE UNITED STATES:

Petitioners respectfully pray that writs of certiorari be issued to the United States Circuit Court of Appeals for the Eighth Circuit to review the related orders and judgments of that Court rendered in the above causes, dismissing related appeals from orders, judgments and decrees of the District Court of the United States for the Eastern District of Missouri.

Jurisdiction

Jurisdiction of this Court is invoked under Section 240(a) of the Judicial Code, as amended. The date of the related orders and judgments of the Circuit Court of Appeals for the Eighth Circuit was August 28, 1947.

The Opinions of the Courts Below

The opinion of the District Court (R. 1089)* is reported in 64 F. Supp. 64. The opinion of the Circuit Court of Appeals for the Eighth Circuit (R. IV—29) is reported in 163 F. (2d) 358.

Summary Statement of the Case

There were four related appeals before the Circuit Court of Appeals for the Eighth Circuit in the litigation over the validity and priority of the claim of the Missouri Pacific R. R. Co. (hereinafter called MOP) against the New Orleans, Texas & Mexico Ry. Co. (hereinafter called NOTM).

* References to the transcript of the record are indicated by the letter "R." except for Volume IV thereof which is indicated by "R. IV". Arabic numerals indicate pages.

Three of these appeals were from Order No. 2604-A of the District Court below, which allowed the MOP Inter-Company Claim and overruled objections relating thereto (R. 7). These three appeals were as follows:

- (a) in the name of Andrew W. Comstock (Appeal No. 13,376)
- (b) in the name of NOTM, by Comstock (Appeal No. 13,377)
- (c) in the name of Guy A. Thompson, Trustee of NOTM, by Comstock (Appeal No. 13,378)

The fourth appeal was that of Comstock in his own name from a subsequent order of the District Court (R. 39) denying his petition for leave to appeal from Order No. 2604-A in the name of Guy A. Thompson, Trustee of NOTM (Appeal No. 13,379).

The Circuit Court of Appeals considered Appeal No. 13,376 taken by Comstock in his own name from Order No. 2604-A, and affirmed such order on the merits. The annexed petition for certiorari relates to that cause.

The Circuit Court of Appeals dismissed the remaining three appeals (Nos. 13,377-79).

This petition for certiorari relates to these three causes. To support this petition, we rely on the annexed petition for certiorari and brief, which are herewith incorporated by reference.

It is desired to eliminate from the litigation any possible procedural question as to whether Comstock should have appealed from the order of allowance of the MOP Inter-Company Claim in the name of NOTM or in the name of the Trustee of NOTM rather than in his own.

CONCLUSION

WHEREFORE, petitioners respectfully pray that writs of certiorari be issued under the seal of this Court, directed to the United States Circuit Court of Appeals for the Eighth Circuit to review the orders and judgments of that Court in the above causes; and that said orders and judgments be reversed; and that petitioners be granted such other and further relief as may seem proper.

Respectfully submitted,

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PHILLIP I. BLUMBERG,
of Counsel.

